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AMERICAN MEDICAL SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO – ECF PROGRAM

ELLEN AMBROFF and TERRY
AMBROFF,

Plaintiffs,

v.

AMERICAN MEDICAL SYSTEMS, INC.,
and DOES ONE through TWENTY-FIVE,
inclusive,

Defendants.

CASE NO. C08-04289 JL

**REQUEST FOR PERMISSION TO
APPEAR TELEPHONICALLY AT
AUGUST 4, 2010 FURTHER CASE
MANAGEMENT CONFERENCE
AND ~~PROPOSED~~ ORDER THEREON**

In preparation for the upcoming Further Case Management Conference (“CMC”) in this matter, scheduled for August 4, 2010 at 10:30 a.m., defendant American Medical Systems, Inc. (“AMS”) respectfully requests, by and through its attorneys of record herein, that lead trial counsel Ken M. Markowitz of Kenney & Markowitz L.L.P. be permitted to appear telephonically at the CMC. This request is based upon the following facts:

1 1. As it currently stands, Mr. Markowitz is scheduled to be in Minneapolis, Minnesota
2 on August 4, 2010 for the deposition of AMS employee Ginger Glaser in this case. Ms. Glaser's
3 deposition is scheduled to occur during the afternoon of August 4th, after the CMC.

4 2. Although plaintiffs' counsel, Amy Eskin, may be taking Ms. Glaser's deposition
5 remotely, by videoteleconference, Mr. Markowitz's presence in Minnesota is still required for
6 same.

7 3. Rather than seek a continuance of the August 4th CMC, AMS seeks permission for
8 Mr. Markowitz to appear telephonically at the CMC, while senior associate Kimberly I. McIntyre
9 of Kenney & Markowitz L.L.P. would simultaneously and personally appear at the CMC on
10 behalf of AMS.

11 4. In the event the schedule changes and Mr. Markowitz is available, he, too, will
12 personally be in attendance at the CMC on behalf of AMS.

13 Respectfully submitted,

14 DATED: July 28, 2010

KENNEY & MARKOWITZ L.L.P

15
16 By: /s/ Kimberly I. McIntyre
 KEN M. MARKOWITZ
 KIMBERLY I. MCINTYRE
17 Attorneys for Defendant
18 AMERICAN MEDICAL SYSTEMS INC.

19 **PROPOSED ORDER**

20 Pursuant to the request of AMS, permission is hereby granted for AMS' lead trial counsel,
21 Ken M. Markowitz, to appear telephonically at the August 4, 2010 Further Case Management
22 Conference.

23 **IT IS SO ORDERED.**

24 DATED: July 30, 2010

25 
26 JAMES LARSON
27 UNITED STATES MAGISTRATE JUDGE
28

Kenney
&
Markowitz
L.L.P.